REMARKS

Claims 1-18 are pending. Claims 1-18 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatenable over claims 1-18 of copending Application 09/779,371. Claims 1, 7 and 13 stand rejected under 35 U.S.C. §112, 2nd ¶ as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-18 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Barnett et al. (U.S. Pat. No. 6,369,840; hereinafter referred to as "Barnett." In addition, the Office Action makes references to Carpenter et al. (U.S. Pat. No. 6,065,047; hereinafter referred to as "Carpenter"), Kimball et al. (U.S. Pat. No. 6,704,031; hereinafter referred to as "Kimball"), Lefeber at al. (U.S. Pub. No. 2002/0046299; hereinafter referred to as "Lefeber"), Lesham et al. (U.S. Pat. No. 6,470,383; hereinafter referred to as "Lesham"), Virdy (U.S. Pat. No. 6,6,691,105) and Colby et al. (U.S. Pat. No. 6,6,625,643; hereinafter referred to as "Colby").

Figures 1 and 3 are objected to illustrating prior art without being so labeled.

Objections to the Figures

In the Specification, Applicants describe Figure 1 as "an example of a client-server data processing system suitable for use in the present invention" (¶22, lines 1-2). Likewise, Figure 3 is described as a "schematic diagram of a client computer system **300** suitable for use in the present invention (¶26, lines 1-2). Applicants contend that, because Figures 1 and 3 illustrate systems that may in fact include the claimed subject matter, they are not entirely prior art. In other words, that which is novel in the figures is not something that is apparent in a physical representation of a computer system.

Rejections Based Upon Judicially Created Doctrine of Obviousness Double Patenting

Applicants are willing to file a Terminal Disclaimer to resolve this objection but ask that the request be put into abeyance until it is determined that there is allowable subject in the current application as potential amendments to the claims during prosecution may make the request moot.

Rejections Based Upon 35 U.S.C. §112, 2nd ¶

Amendments to the claims filed herewith have resolved the minor antecedent basis issues with respect to claims 1, 7 and 13. Therefore, Applicants respectfully request withdrawal of the rejections of these claims based upon 35 U.S.C. §112, 2nd ¶.

Rejections Based Upon 35 U.S.C. §102(e)

With respect to independent claims 1, 7 and 13, Applicants contend that Barnett does not teach or suggest the **transmission of a configuration file from the server to the client**. Rather, Barnett is directed either at pushing an updated web page from the server to the client (col. 10, lines 38-43) or updating a web page configuration stored on the server prior to pushing a new web page from the server to the client (col. 13, lines 22-65). Neither the transmission of an updated web page nor the modification of a configuration file on the server prior to web page transmission can be characterized as the **transmission of a configuration file**. In both cases, the actual configuration information relating to the web page remains on the server. Simply stated, Barnett does not suggest the transmission of a configuration file.

Dynamically updated URL links (col. 9, line 38 through col. 10. line 10) also cannot be characterized as the transmission of a configuration file. A URL link is more properly characterized as a possible entry in a configuration file rather than as a configuration file. The cited passage describes the process of updating from the client the web page configuration **on the server**.

The additional references, i.e. Carpenter, Kimball, Lefeber, Leshem, Virdy and Colby, do not provide that which Barnett lacks either by themselves or in combination. As described in the Office Action, each of these references describe updated URL links, which as explained above does not teach or suggest the transmission of configuration files. In fact a simple text search, indicates that none of the references Carpenter, Kimball, Lefeber and Virdy include any reference to configuration files, much less the updating of same.

Leshem mentions updating client configuration files but the program ("Astra") that does so resides and executes on the client (Figs. 4, 11 and 12; col.25, lines 18-25). Colby is primarily directed to network configuration rather than client configuration or time sensitive URL data.

Each of dependant claims 2-6, 8-12 and 14-18 are allowable at least for the fact that they depend upon one of the allowable independent claims.

CONCLUSION

In order to reject a claimed invention under §102(e), the cited reference must teach every aspect of the claimed invention either explicitly or impliedly. (M.P.E.P. §706.02). To establish *prima facie* obviousness of a claimed invention under §10c(a), all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143,03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, "**All words in a claim must be considered** in judging the patentability of that claim against prior art." (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970); *emphasis added*).

It is respectfully submitted that all issues and rejections have been adequately addressed and that pending claims 1-18 are allowable and that the case should be advanced to issuance. If the Examiner has any questions or wishes to discuss the claims, the Examiner is encouraged to call the undersigned at the telephone number indicated below.

It is believed that no fees are due with the filing of this Response. However, should any fees are due, the Commissioner is hereby authorized to charge such fees to the deposit account of Hulsey Grether + Fortkort, LLP, Deposit Account No. 50-27276.

Respectfully submitted,

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